

Attorney's Docket No.: 06618/565001/CIT-3128

REMARKS

Reconsideration and allowance of the above referenced application are respectfully requested.

Initially, the indication that claims 12-25 and 53-60 are allowed is appreciatively noted. The further indication that claims 4, 10, 27-31, 33-34, 37, 44, 56 and 61-62 would be allowable if rewritten into independent form is appreciatively noted. In response to this indication, many of the remaining rejections are obviated by amending the claims into allowable form. Claim 1 is amended to include the limitations of claim 4, morein Claim 10 is amended into independent form. Claim 26 is amended to include the limitations of allowable claim 27 therein. Claims 33 and 34 are amended into independent form. Claim 37 is amended into independent form claim 44 is amended into independent form. Claim 56 is also amended into independent form.

The rejection of claim 36 is respectfully traversed for reasons set forth herein (along with claims 38-43, 45-46 and 61-62 which depend therefrom).

Claim 47 was rejected only based on section 101 as allegedly being directed to non-statutory subject matter. In response, this claim has been placed into "Beauregard" form in order to obviate the rejection, and presumably should be

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allowable per the indication of same, along with claims 63 and 64 that depend therefrom.

With all due respect, therefore, the only issues remaining in the case, therefore, are whether claim 36, and those which depend therefrom, are properly rejected as being unpatentable over Mech et al.

The rejection of claims 1 and 36 referred to Mech et al. moving a shadow, and capturing the shadow using a video capture part. Admittedly, Mech et al. uses differences in image luminances between frames to determine the position of the shadow at those frames. In this sense, Mech et al. does detect both shadow information and temporal information. However, Mech et al. does not determine the shadow information in spatial coordinate systems, and determines the temporal information in a temporal coordinate system. Rather, Mech et al. takes a video of the shadow, and uses the time between frames to determine times associated with that shadow information. See generally column 3 lines 25-46. However, this is not a temporal coordinate system.

Claim 36 further defines "equalizing the temporal information and the shadow information to refer to the same points". Such "equalizing" is never carried out in Mech et al. Mech et al. determines a frame difference, and uses the times between frames as the temporal information. There is no step of

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equalizing this information as is required by claim 36. Therefore, claim 36 should be allowable along with the claims that depend therefrom.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

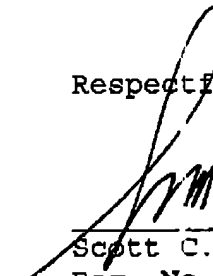
Applicant asks that all claims be allowed. Please apply the \$60 one month extension of time fee, the \$600 additional claim fee, and any other applicable charges or credits to Deposit Account No. 06-1050.

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Respectfully submitted,

Date: November 28, 2005



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